

Various modifications and alterations that do not depart from the scope and spirit of this invention will become apparent to those skilled in the art. This invention is not to be duly limited to the illustrative embodiments set forth herein.

### **REMARKS**

Claims 1-17 are currently pending in the application. Claims 1-17 are amended, and claim 18-20 have been added with this response. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

#### **I. SPECIFICATION OBJECTIONS**

Claim 15 was objected to because of the following informalities: ““The term, “filing”, in line 1 appears to be inappropriate for the context of the claim.”” Withdrawal of this objection is requested for at least the following reasons.

The term filing has been amended herein to “filling” per the examiner’s suggestion which better describes the claimed invention.

Accordingly, withdrawal of this objection is respectfully requested.

#### **II. REJECTION OF CLAIMS 1-16 UNDER 35 U.S.C. §112**

Claims 1-16 stand rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 2, recites “a restricted opening on one end” and “an opening on the distal end”. It is unclear whether two openings are being claimed, with one opening on each end of the tube. Further, in line 5, it is not clear which end of the tube connects to the means for filling and emptying. Independent claims 1 and 12, dependent claims 2-11, and dependent claims 13-16 have been amended to rectify the minor informality identified by the examiner. Accordingly, withdrawal of the rejection is requested.

The term “distal end” in claim 17 is used by the claim to mean “the end which is in fluid communication with an elastomeric resilient hollow suction bulb”, while the accepted meaning is “proximal end”. The term is indefinite because the specification does not clearly redefine the term. Claim 17 has been amended to rectify the minor informalities identified by the examiner.

Accordingly, withdrawal of the rejection is requested.

### **III. REJECTION OF CLAIMS 1-16 UNDER 35 U.S.C. §112 4<sup>th</sup> PARAGRAPH**

Claims 13 and 14 are rejected under 35 USC 112 4<sup>th</sup> paragraph, as being an improper dependent claim for failing to further limit the subject matter of the claim upon which it depends. Claims 13 and 14 incorporate the limitations of Claim 1 but no further structural limitations are present. Claims 13 and 14 have been amended to rectify the minor informalities identified by the examiner. Accordingly, withdrawal of the rejection is requested.

### **IV. REJECTION OF CLAIMS 1, 2, 5-7, 9-11, 13-14 AND 17 UNDER 35 U.S.C. §102**

Claims 1-2, 5-7, 9-11, 13-14 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,172,575 (Caulfield). Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 1 of the invention has been amended and is directed to a ***bulb that does not include a vent opening*** (See, e.g., FIG. 1 and amended claim 1). Caulfield fails to disclose or suggest a bulb that does not include a vent opening. Rather, Caulfield teaches a vent or opening where "...the contained air ***discharged, through the opening 5...***" (See, e.g., page 2, column 2, 16-17). Accordingly, amended claim 1 and its associated depending claims are not anticipated by the cited art.

In addition, claim 1 of the invention has been amended and is directed to ***a device that does not include any metal components***. Caulfield fails to disclose or suggest a device that does not include any metal components. Rather, Caulfield, for example, teaches a metal valve 3 and spring (See, e.g., column 1, lines 49-54 and FIGS. 1 and 3).

### **V. CLAIM REJECTIONS - 35 U.S.C. § 103(a)**

The application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

The subject matter of the various claims was commonly owned at the time any inventions covered therein were made.

## **VI. REJECTION OF CLAIM 1 UNDER 35 U.S.C. § 103(a)**

Claims 3-4, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Caulfield in view of U.S. Patent No. 5,638,872 (Porter). Reversal of the rejection is respectfully requested for at least the following reasons.

i. Neither Caulfield nor Porter teach the present invention, and no evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Both Caulfield (*See, e.g.*, column 3, lines 2-5) and Porter (*See, e.g.*, column 4, lines 21-25) teach manually closable vent means. Amended independent claim 1 of the present invention and its associated dependent claims 3-4, do not include a vent opening. Therefore, no evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

ii. In addition, in the present invention, amended independent claim 1 does not include any metal components. As mentioned previously, Caulfield fails to disclose or suggest a device that does not include any metal components. Rather, Caulfield, for example, teaches a metal valve 3 and spring (*See, e.g.*, column 1, lines 49-54 and FIGS. 1 and 3). Therefore, no evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

iii. In addition, in the present invention, amended independent claim 12 involves a valve assembly that consists of a one piece molded component. Porter discloses a baster (100) having two valves (120, 109) which operate in opposing directions (*See, e.g.*, column 4, lines 21-23 and 39-40). Therefore, no evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

## **VI. REJECTION OF CLAIM 1 UNDER 35 U.S.C. § 103(a)**

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Caulfield in view of U.S. Patent No. 5,408,919 (Hutzler *et al.*). Reversal of the rejection is respectfully requested for at least the following reasons.

i. Claim 1 of the invention has been amended and is directed to a bulb does not include a

vent opening (See, e.g., FIG. 1 and amended claim 1). Caulfield discloses a bulb that includes a vent opening where "...the contained air discharged, through the opening 5..." (See, e.g., page 2, column 2, 16-17). Accordingly, amended claim 1 and its associated depending claim 8 are not anticipated by the cited art. No evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

ii. In addition, in the present invention, amended independent claim 1 does not include any metal components. As mentioned previously, Caulfield fails to disclose or suggest a device that does not include any metal components. Rather, Caulfield teaches a metal spring (See, e.g., page 2, column 2, line 3 and FIGS. 1 and 3). Hutzler *et al.* also teaches a metal spring (See, e.g., FIG. 4, element no. 20). Accordingly, amended claim 1 and its associated depending claim 8 are not anticipated by the cited art. Therefore, no evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

iii. In addition, in the present invention, amended independent claim 1 involves a single valve assembly that consists of a one piece molded component. Neither Caulfield nor Hutzler *et al.*, teach a single valve assembly that consists of a one piece molded component. Caulfield teaches a multiple piece valve (3) for example, employed in pneumatic tires (See, e.g., column 1, lines 51-53). Hutzler *et al.*, does not teach a valve assembly at all. Accordingly, amended claim 1 and its associated depending claim 8 are not anticipated by the cited art. Therefore, no evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

## **VI. REJECTION OF CLAIM 12 UNDER 35 U.S.C. § 103(a)**

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Caulfield in view of U.S. Patent No. 5,787,799 (Mohrhauser *et al.*). Reversal of the rejection is respectfully requested for at least the following reasons.

iv. Claim 1 of the invention has been amended and is directed to a bulb does not include a vent opening (See, e.g., FIG. 1 and amended claim 1). Caulfield discloses a bulb that includes a vent opening where "...the contained air discharged, through the opening 5..." (See, e.g., page 2, column 2, 16-17). Accordingly, amended claim 1 and its associated depending claim 8 are not anticipated by the cited art. No evidence exists that would motivate one of ordinary skill

in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

v. In addition, in the present invention, amended independent claim 12 does not include any metal components. As mentioned previously, Caulfield fails to disclose or suggest a device that does not include any metal components. Rather, Caulfield teaches a metal spring (*See, e.g.*, page 2, column 2, line 3 and FIGS. 1 and 3). Therefore, no evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

vi. In addition, in the present invention, amended independent claim 12 involves a single valve assembly that consists of a one piece molded component. Neither Caulfield nor Hutzler *et al.*, teach a single valve assembly that consists of a one piece molded component. Caulfield teaches a multiple piece valve (3) for example, employed in pneumatic tires (*See, e.g.*, column 1, lines 51-53). Mohrhauser *et al.*, does not teach a valve assembly at all. Therefore, no evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

vii. In the present invention, amended independent claim 12 involves a valve assembly that consists of a one piece molded component. Caulfield does not teach a single valve assembly that consists of a one piece molded component, as does the present invention. Rather, Caulfield teaches a multiple piece valve (3) for example, employed in pneumatic tires (*See, e.g.*, column 1, lines 51-53). In addition,

Therefore, no evidence exists that would motivate one of ordinary skill in the art to modify the cited art in accordance with the present invention. Reversal of the rejection is respectfully requested.

Independent claim 12 wherein the valve assembly 12 comprises a single, one piece molded valve assembly with a first valve portion 136 and a second valve portion 138 with a first opening 141 in the first opening valve portion 136 and a second opening 143 in the second first opening valve portion 138 that operate in opposing directions so that to fill the tube 14 expanding air will flow in a first direction through the first opening 141 or the second opening 143 and expelled air from the bulb to empty the fluid that will flow a second direction through the opposing first opening 141 or the opposing second opening 143.

#### V. NEW CLAIMS

New claims 18-20 are added depending on claim 12, and providing further limitations of the baster/device.